MONTANA LEGISLATIVE HISTORY

Chapter 159 19 55

Bill H _____ S 185 Original bill & history ___C

H. Committee on Fish & Game		S. Committee on Fish & Game	
Hearing Date(s) Feb 23	✓C	Hearing Date(s) Feb 04	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 23	✓C	Feb 04	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE COMMITTEE ON FISH AND GAME

A meeting of the Senate Committee on Fish and Game was held in Room 423 of the capitol building at 3:30 P. M. on Friday, February 4, 1955. Chairman Valiton called the meeting to order. The members present were Senators Brenner, Lindquist, Scofield, Sagunsky, Wilson, Bovey, and Anderson.

Senate Bill 185 was the first to be discussed. Sen. Brenner moved that the bill be amended by striking Section 3 thereof and as so amended do pass. Sen. Wilson seconded the motion and it was unanimously carried.

Senate Bill 125 was discussed and Sen. Wilson moved that it be amended by striking Section3 thereof and as so amended it do pass. The motion was seconded by Sen. Scofield and unanimously carried.

The next bill to be considered was Senate Bill 122. Sen. Scofield moved that the bill be amended by striking Section 3 thereof and as so amended do pass. Sen. Brenner seconded the motion and it was unanimously carried.

Senate Bill 123 came up next. Sen. Sagunsky moved that it be amended by striking Section 3 thereof and as so amended do pass. The motion was seconded by Sen. Brenner and unanimously carried.

Senate Bill 43 was discussed and Sen. Bovey made a motion that it do pass. Sen. Scofield seconded the motion and it was unanimously carried.

Senate Bill 154 came up next. After some discussion Sen. Scofield moved that this bill be deferred and action taken at a later date. Said motion was carried.

The next bill to be considered was Senate Bill 102. Sen. Sagunsky moved that it be amended by striking Section 3 thereof and as so amended do pass. The motion was seconded by Sen. Wilson and unanimously carried.

Senate Bill 124 was discussed and action was delayed on it also.

Sen. Brenner moved for adjournment, the motion was seconded by Sen. Bovey and the meeting was adjourned.

Valiton Chairman

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Senate Bill 121 was discussed and Mr. Rieder moved that the committee recommend it be concurred in. Mr. McInnis seconded the motion and it carried.

Senate Substitute Bill 154 was discussed and Mr. Phillips moved that the Committee recommend it be concurred in. Mr. Grant seconded the motion and motion carried.

After discussing Senate Bill 153, Mr. McInnis moved that this committee recommend that it be concurred in. Mr. Wetzsteon seconded the motion and motion carried.

After somediscussion of Senate Bill 125, Mr. McInnis moved that this committee recommend it be concurred in. Mr. Mangan seconded the motion and it carried.

Senate Bill 123 was discussed and Mr. Rieder moved that this Committee recommend that we concur in it. Mr. McInnis seconded the motion and motion carried.

Senate Bill 122 was considered and Mr. Walton moved that this committee recommend that it be concurred in. Mr. Wetzsteon seconded the motion and it carried.

Senate Bill 124 was then discussed and Mr. Wetzsteon moved that this committee recommend that it be concurred in. Mr. Phillips seconded the motion and it carried.

After some discussion of Senate Bill 185, Mr. Wetzsteon moved to amend in line 10 of the printed bill, after the figures "($500.00),", delete the words "except that any person found guilty of violation for killing an elk, mosse, caribou, mountain sheep, mountain goat, bison or buffalo during the closed season thereon, or for killing more than one elk, moose, caribou, mountain sheep, mountain goat, bison or buffalo during any one license year shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than five hundred dollars ($500.00),"

Mr. McInnis seconded the motion to amend and motion carried.

Mr. Wetzsteon moved that this Committee recommend that Senate Bill 185 be concurred in. Mr. McInnis seconded the motion and it carried.

Senate Bill 95 was discussed and Mr. Mysse moved to amend in lines 6 and 7 of the title of the printed bill, after the word "BIRDS," by deleting the words "PROVIDING FOR IDENTIFICATION OF SET LINES," and further amend in sub-section 6 of section 1, line 46, of the printed bill, by deleting the comma (,) after the word "lines" and substituting in lieu thereof, a period (.) and by deleting the remainder of sub-section 6.

Mr. Mysse read a letter from a constituent on the subject and stated that Mr. O'Claire had read the letter, he stated that he felt it was of doubtful value to require tagging of set lines.

Mr. Phillips seconded the motion to amend Senate Bill 95 and motion carried.

Mr. Wetzsteon moved that this committee recommend that Senate Bill 95 be concurred in as amended. Mr. Grant seconded the motion and it carried.

It was moved and seconded the meeting adjourn. 6:10 P.M.

Closed Season for Rocky Mountain Sheep and Goats, Section 26-341 of the Revised Codes of Montana, 1947, Relating to Killing Game for Head, Hide, Antlers, Tusks or Teeth, Wasting of Game Fish or Birds, and Section 26-342 of the Revised Codes of Montana, 1947, Relating to Failure to Dress Game.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-307 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 26-307. *Waste of Fish or Game — Hunting or Fishing During Closed Season — Killing More Than One Game Animal — Exceptions.*

Waste of game meat unlawful.

"(1) *It shall be unlawful and a misdemeanor for any person responsible for the death of any game animal of this state, excepting grizzly bear, to detach or remove from the carcass only the head, hide, antlers, tusks or teeth, or any or all of aforesaid parts, or to waste any part of any game animal, game bird, or game fish suitable for food, or to abandon the carcass of any game animal in the field, except grizzly bear.*

Unauthorized killing more than one animal unlawful.

"(2) It shall be unlawful and a misdemeanor for any person *to kill more than one game animal of any one species, in any one license year, unless the killing of more than one game animal of such species has been authorized by regulations of the fish and game commission.*

Closed season hunting unlawful.

"*(3) It shall be unlawful and a misdemeanor for any person during the closed season on any species of game animal, game bird or fish to take, hunt, shoot, kill or capture any such game animal or such game bird or to fish for or catch any such fish.*"

Penalty.

Section 2. **Penalty.** Any person violating any of the provisions of this section or any of the orders of the state fish and game commission shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 26-324 of the Revised Codes of Montana, 1947, as amended.

Repealing 26-309, 26-310, 26-312, 26-313, 26-314, 26-318, 26-341, 26-342, R.C.M., 1947.

Section 3. **Repeal.** That section 26-309, section 26-310, section 26-312, section 26-313, section 26-314, section 26-318, section 26-341, section 26-342 of the Revised Codes

of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed. General repeal clause.

Approved March 3, 1955.

CHAPTER 159

An Act to Amend Section 26-324 of the Revised Codes of Montana, 1947, Relating to Penalties for Violating the Fish and Game Laws of the State, or Orders, Rules and Regulations of the Fish and Game Commission Made Pursuant to the Authority Given the Fish and Game Commission Under the Law; and Repealing Section 26-130 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-304 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-349 of the Revised Codes of Montana, 1947, Relating to the Killing of Moose, Bison, Buffalo, Caribou or Antelope and Penalty, Section 26-343 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-505 of the Revised Codes of Montana, 1947, Relating to Penalty, Section 26-807 of the Revised Codes of Montana, 1947, Relating to Penalty, and Section 26-810 of the Revised Codes of Montana, 1947, Relating to Penalty; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 26-324 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Penalty for violation of fish and game laws, rules or regulations.

"Section 26-324. **Penalty.** Any person violating any provision of any statute of the State of Montana pertaining to fish and game, including the provisions of section 26-101 to 26-1306 *of the Revised Codes of Montana, 1947,* and all acts amendatory thereof, or *supplementary* thereto, *or the orders, rules and regulations of the fish and game commission made pursuant to the authority given it under the law,* shall, unless a different punishment is expressly provided by law for such violation, be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars, ($500.00), *or by imprisonment in the county jail for not more than six (6) months, or by*

Adding imprisonment.

both such fine and imprisonment, and in addition thereto such person shall, in the discretion of the court, forfeit his license and privilege to hunt, fish or trap within this state for a period of sixteen (16) months from the date of his or her conviction; or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, *and* in addition thereto such person shall in the discretion of the court, forfeit his license *and privilege* to hunt, fish or trap within this state for a period of *sixteen (16) months* from the date of his *or her* conviction."

Forfeiture of license.

Repealing certain sections.

Section 2. That section 26-130 of the Revised Codes of Montana, 1947, section 26-304 of the Revised Codes of Montana, 1947, section 26-340 of the Revised Codes of Montana, 1947, section 26-343 of the Revised Codes of Montana, 1947, section 26-505 of the Revised Codes of Montana, 1947, section 26-807 of the Revised Codes of Montana, 1947, section 26-810 of the Revised Codes of Montana, 1947, *are hereby repealed.*

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 160

An Act to Amend Section 75-2707, Revised Codes of Montana, 1947, as Amended by Chapter 28, Laws of 1949, and as Last Amended by Chapter 216, Laws of 1953, by Providing for the Payment to the Named Beneficiary of a Deceased Member of the Teachers' Retirement System the Sum of Fifty Dollars ($50.00) Per Month for Each Child of Said Deceased Member Under the Age of Eighteen (18) Years If the Named Beneficiary Is the Surviving Spouse of the Deceased Member and the Deceased Member Was Actively Engaged as a Teacher Within One (1) Year Prior to His Death, and Provided Further That Such Payments Shall Not Exceed in Any One Month the Sum of One Hundred Dollars ($100.00); and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-2707, Revised Codes of Montana, 1947, as amended by chapter 28, laws of 1949, and as last amended by chapter 216, laws of 1953, be, and the same is hereby amended to read as follows:

Superannuation benefit.

"75-2707. **Benefits.** (1) Superannuation retirement benefit. (a) Any member who has completed ten (10) years of creditable service, the last ten (10) years of which shall have been in this state, and who has attained the age of sixty may retire from service, if he files with the retirement board his written application setting forth the fact of his retirement.

Compulsory retirement.

"(b) That from and after the passage and approval of this act, any member in service who has attained the age of seventy (70) years, during any school year shall be retired by said retirement board on the first day of September following his or her seventieth birthday.

Allowance on superannuation retirement.

"(2) Allowance on superannuation retirement. Upon superannuation retirement a member shall receive a superannuation retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and

(b) A pension of one-quarter of his average final compensation provided his creditable service is at least thirty-five (35) years, otherwise, a pension of one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of his creditable service, and

(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to one one-hundred fortieth (1/140) of his average final compensation multiplied by the number of years of service certified to him on his prior service certificate.

(d) The minimum annual retirement allowance for a member who has completed thirty (30) years' service and who retired after September 1, 1937, and before June 30, 1949, shall be six hundred dollars ($600), and the minimum retirement allowance for a member who retired after September 1, 1937, and before June 30, 1949, but whose service is less than thirty (30) years shall receive a minimum retirement allowance based on the proportionate amount of